

Chapter 220

LAND DIVISION ORDINANCE

HISTORY: Adopted by the Town Board of the Town of Holland [REDACTED] by Ordinance [REDACTED].

GENERAL REFERENCES

Board — See Ch. 63.

Plan Commission — See Ch. 85.

Streets and Sidewalks — See Ch. 298.

Zoning — See Ch. 330.

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ARTICLE I – Introduction

§ 220-1. Authority.

These regulations are adopted under the authority granted by § 60.22(3), § 61.34(1), and § 236.45 of the Wis. Stats., and amendments thereto.

§ 220-2. Title.

This chapter shall be known as, referred to as, and cited as the “Land Division Ordinance, Town of Holland, Sheboygan County, Wisconsin” and hereinafter referred to as “this chapter”.

§ 220-3. Purpose.

The purpose of this chapter is to regulate and control the division of land within the Town of Holland to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Holland.

§ 220-4. Intent.

It is the general intent of this chapter to regulate the division of land within the Town of Holland and to:

- A. Strengthen local control of land use decisions and maintain the ability and right to control the Town of Holland’s development.
- B. Ensure that further development and divisions of land are consistent with the Town of Holland Year 2030 Comprehensive Plan and development standards set forth in codes and ordinances adopted by the Town of Holland.
- C. Supplement the Sheboygan County Code of Ordinances Chapter 71.

§ 220-5. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 220-6. Interpretation.

In the interpretation and application of this chapter, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Holland and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 220-7. Severability and nonliability.

- A. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a division of land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.
- C. The Town of Holland does not guarantee, warrant, or represent that only those areas delineated as navigable waterways, wetlands, and floodplains will be subject to periodic inundation, nor does the Town of Holland guarantee, warrant or represent that any soils

listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the Town of Holland for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

§ 220-8. Disclaimer.

- A. Multiple Jurisdictions. All persons reviewing the provisions of this chapter should be aware that the Town of Holland is only one of a number of governmental bodies that may have jurisdiction over proposed divisions of land. The Town of Holland cannot make any representations on behalf of any other government body. This chapter shall by reference include subsequent updates and amendments of any applicable codes and ordinances. No division of land may be made unless all required approvals have been given.

All proposed divisions of land shall be submitted to the Town of Holland for review and approval prior to submission to any other governmental body.

- B. Binding Acts. No statement or actions by the Town of Holland should be construed or taken as a binding act except a resolution, motion, or ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting. This includes, but is not limited to, interpretation of this chapter.
- C. Compliance Assurance. The Town of Holland expressly states that it has no responsibility whatsoever for assuring that land and/or structures sold in the Town of Holland are in compliance with any codes or ordinances. The Town of Holland also assumes no responsibility for the suitability of any property whose division of land has been approved by the Town Board.

ARTICLE II – Word Usage and Definitions

§ 220-9. Word usage.

For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "he" includes the word "she." The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this chapter shall be presumed to have their customary dictionary definitions.

§ 220-10. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDABLE LOT AREA — The portion of a lot remaining after required yards have been provided.

CERTIFIED SURVEY MAP (CSM) — A map of a minor land division, prepared in accordance with § 236.34, Wis. Stats., and in full compliance with the applicable provisions of this chapter.

COMPREHENSIVE PLAN — A comprehensive long-range plan intended to guide the growth and development of a community or region, and one that includes analysis, recommendations, and proposals for population, housing, economy, transportation, community facilities, and land use.

DENSITY, GROSS — The number of dwelling units permitted on a development tract based on a formula in which the gross acreage is divided by a specified density factor. Existing dwelling units within the parcel are included in the calculation. See "net buildable area."

ENVIRONMENTALLY SENSITIVE AREA (ESA) — A geographic area of the landscape that encompasses valuable and sensitive natural resource features such as navigable waters (lakes, rivers, streams, wetlands, and floodplains) that should be protected from intensive development.

FLOODPLAIN — Those lands, including flood fringes, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data are not available, the maximum flood of record.

IMPROVEMENT, PUBLIC — Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Town of Holland may ultimately assume the responsibility for maintenance and operation.

LAND DIVISION — The act of division that creates two lots or building sites. See also definition for Major Land Division and Minor Land Division.

LAND DIVISION, MAJOR — The act of division that creates three or more lots or building sites, inclusive of the original remnant parcel, by a division or by successive divisions of any part of the original property within a period of five (5) years.

LAND DIVISION, MINOR — The act of division that creates two lots or building sites, inclusive of the original remnant parcel, by a division of any part of the original parcel.

LOT — A parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that such parcel shall not be bisected by a public

street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.

NAVIGABLE WATER — All natural inland lakes and all streams, ponds, sloughs, flowages, and other waters which are navigable under the laws of this state. As provided in § 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, ordinances required under § 59.692, Wis. Stats., do not apply to lands adjacent to farm ditches if:

- A. Such lands are not adjacent to a natural navigable stream or river.
- B. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- C. Such lands are maintained in nonstructural agricultural use.¹

OPEN SPACE — A parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining such open space.

ORDINARY HIGH WATER ELEVATION — The average annual high-water level of a pond, stream, river, lake, flowage, or wetland referred to an established datum plane or where such elevation is not available, the elevation of the line up to which the presence and action of surface water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geological or vegetative characteristic.

PLAT, FINAL — The map prepared in accordance with the requirements of Chapter 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

PLAT, PRELIMINARY — The map indicating the proposed manner and layout of streets, lots, blocks and other salient features of a proposed land division submitted to an approving authority for purposes of preliminary consideration.

REPLAT — The process of changing, or the map or plat that changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of the block, lot or outlot is not a replat.

SHORELANDS — Those lands lying within the following distances: 1,000 feet from the ordinary high-water elevation of navigable lakes, ponds, and flowages or 300 feet from the ordinary high-water elevation of navigable streams, or to the landward side of the floodplain, whichever is greater.

STREET — Public right-of-way for vehicular or pedestrian traffic.

STREET, ARTERIAL — A street that provides for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas.

¹ Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Company, Inc., v. Wisconsin Department of Natural Resources, 70 Wis. 2d. 936 (1975)]. A stream that is navigable by skiff or canoe during normal spring highwater is navigable in fact under the laws of this state, though it may be dry during other seasons.

STREET, COLLECTOR — A street that provides for moderate speeds and volumes within large areas.

STREET, LOCAL — A street that provides for low speeds and volumes and that provides access from low traffic generating areas to collector and arterial streets.

SUBDIVIDER — Any person, firm, corporation or other entity, or any agent thereof, dividing or proposing to divide land resulting in a major land division, minor land division, or replat.

WETLAND — An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

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ARTICLE III – General Provisions

§ 220-11. Jurisdiction and applicability.

The provisions of this chapter shall apply to divisions of land within the unincorporated areas of the Town of Holland, Sheboygan County, Wisconsin as follows:

- A. The act of division that creates two lots or building sites shall comply with the requirements of **Article IV and Article VII** of this chapter, Sheboygan County Code of Ordinances Chapter 71 and Chapter 72, Chapter 330: Zoning Ordinance, Town of Holland, and all other applicable terms of this chapter.
- B. The act of division that creates three or more lots or building sites shall comply with the requirements of **Article IV and Article VIII** of this chapter, Sheboygan County Code of Ordinances Chapter 71 and Chapter 72, Chapter 330: Zoning Ordinance, Town of Holland, and all other applicable terms of this chapter.
- C. The provisions of this chapter shall not apply to:
 - (1) Sale or exchange of parcels of land between owners of adjoining property provided additional lots or building sites are not created and provided any resulting lot or building site configuration meets all other applicable codes and ordinances.
 - (2) Creation or realignment of an easement.
 - (3) Creation or realignment of a public right-of-way by a public agency.
 - (4) Carrying out an order of any court.
 - (5) Creation of a lien, mortgage, deed of trust, or any other security instrument.

§ 220-12. Compliance required.

No subdivider shall create a division of land within the Town of Holland that results in a major or minor land division or a replat, and no such division of land or replat shall be recorded and no street or improvements shall be constructed without compliance with all requirements of this chapter and the following:

- A. Chapter 236 of the Wis. Stats.
- B. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sanitary sewer and provisions for such service have not been made.
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts a state trunk highway or connecting street.
- D. Rules of the Wisconsin Department of Natural Resources setting water quality standards, preventing and abating pollution, and regulating development within floodland, wetland and shoreland areas.
- E. The Town of Holland Year 2030 Comprehensive Plan.
- F. Chapter 330: Zoning Ordinance, Town of Holland and all other applicable local and county ordinances.

§ 220-13. Developer agreements.

In connection with any major land division approval, or with minor land divisions as deemed necessary, the Town Board shall be authorized to enter into a Developer Agreement (See Appendix A) with the subdivider. Developer Agreements may include provisions clarifying duties to construct specific improvements, the phasing of construction, the timing, location and financing of infrastructure, assurances of adequate public facilities, and mitigation of anticipated impacts of the development on the general public or the environment. The Town Plan Commission and/or Town Board shall not approve any major land divisions, or minor land divisions as deemed necessary, unless and until the subdivider posts a security bond (cash or irrevocable letter of credit) meeting the approval of the Town Board as a guarantee that all specific improvements will be made in accordance with the Developer Agreement.

§ 220-14. Dedication of lands.

- A. Streets and public right-of-ways. Whenever a parcel of land to be divided as a major land division contains all or any part of a street or public right-of-way that has been designated in this chapter, the Town of Holland Year 2030 Comprehensive Plan, or an official map adopted under § 62.23 of the Wis. Stats., such street or public way shall be made a part of the plat and dedicated by the subdivider in the location and dimensions indicated, unless otherwise provided herein.
- B. Parks and open space. The subdivider shall designate and dedicate to the public an area of land suitable for park or open space purposes on all major land divisions for residential purposes. The amount of land to be provided shall be based upon an equivalent of 0.05 acre for every residential dwelling unit. The minimum site size shall be one-half (1/2) acre.

In lieu of public land dedication, the subdivider may provide the required amount of park or open space area through a homeowners' association, condominium association, or similar donee, providing such measures assure the proper and continuing maintenance and use of the area, meet the purposes of this chapter, and are approved by the Town Board upon the recommendation of the Plan Commission.

The Town Board upon recommendation of the Town Plan Commission may waive the public land dedication requirement if it determines that the proposed park or open space would be too small, unsuitable, or unnecessary for reasons particular to the division of land. In lieu of that public land dedication the subdivider shall pay to the Town Treasurer at the time the final plat is submitted for approval, a fee as identified in the Town of Holland Fee Schedule, established by the Town Board, for every residential dwelling unit within the plat.

All monies collected under this chapter shall be deposited into a special "Stewardship Fund" and shall be used only for the acquisition or initial improvement of public parks as provided in § 236.45(6)(am), Wis. Stats.

ARTICLE IV – Design Standards

§ 220-15. General standards.

- A. The Town of Holland Board shall not recognize any division of land in the Town of Holland that does not comply with the requirements of **Article IV** of this chapter, and no permits shall be authorized by the Town of Holland for any division of land not in compliance with this chapter.
- B. Any division of land, respective to both proposed use and building placement, shall be in conformance with the Town of Holland Year 2030 Comprehensive Plan.
- C. Lots resulting from a division of land shall be in conformance with the Chapter 330: Zoning Ordinance, Town of Holland.
- D. Environmentally Sensitive Areas (ESA's) located within the boundaries of a division of land shall be located and mapped on the dividing instrument (i.e. plat or certified survey map).
- E. Development shall not be located within designated ESA's which are defined as:
 - (1) Navigable waterways.
 - (2) Wetlands.
 - (3) Floodplains.
- F. Any lot resulting from a minor or major land division shall be prohibited from future divisions for a period of ten (10) years from the Town approval date of such division of land, except as permitted under the regulations of **Article IX** of this chapter. This regulation prohibiting further divisions of land shall be incorporated into all documents conveying the division of land (i.e. CSM and plat) and recorded with the Sheboygan County Register of Deeds.

§ 220-16. Blocks and lots.

- A. Blocks
 - (1) The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography.
 - (2) Blocks for residential development shall not be more than one thousand five hundred (1,500) feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design as expressly approved by the Town Board upon the recommendation of the Town Plan Commission.
 - (3) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from public rights-of-way, navigable waterways, public parks, corporate boundaries, or except as may be necessary due to extreme topography.
- B. Lots
 - (1) The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated.

- (2) Lots shall abut a public street.
- (3) Lot lines shall be perpendicular to the street line and to the tangent at the lot corner of curved streets.
- (4) Lots shall maintain a minimum width or frontage of:
 - (a) Sixty-six (66) feet for lots served by municipal sanitary sewers or other county- and state- approved off-site cluster or common sewerage disposal systems.
 - (b) One hundred (100) feet for lots served by on-site sewage disposal systems.
 - (c) Forty (40) feet for lots accessed from a cul-de-sac.
- (5) Lots shall maintain a minimum area of:
 - (a) 10,000 square feet for lots served by municipal sanitary sewers or other county- and state- approved off-site cluster or common sewerage disposal systems.
 - (b) 20,000 square feet for lots served by on-site sewage disposal systems.
- (6) Double frontage lots are prohibited except where necessary to provide separation of residential development from public rights-of-way or to overcome specific disadvantages of topography and orientation.
- (7) Flag lots are prohibited unless the Town Board, upon recommendation of the Town Plan Commission, finds that the shape of the subject lot is appropriate for that specific location. The Town Board, upon recommendation of the Town Plan Commission may also waive the minimum lot width requirement for the creation of said flag lot.

§ 220-17. Streets.

A. Street Arrangement

- (1) Arterial streets shall be arranged so as to provide ready access to centers of employment, governmental activity, commerce and recreation, and shall be properly integrated with the existing and proposed system of major streets and highway.
- (2) Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system, and shall be properly related to mass transportation systems, to special traffic generators such as schools, churches, and shopping centers, to other concentrations of population, and to the arterial streets into which they feed.
- (3) Local streets shall be arranged to conform as much as possible to topography, to discourage use by through traffic, to permit the design of efficient storm drainage and sanitary sewer systems, and to require the minimum amount of street area necessary to provide safe and convenient access to property.
- (4) Proposed streets shall extend to the boundary lines of the land division, unless prevented by topography or other physical conditions, or unless the Town Board upon the recommendation of the Town Plan Commission finds that such extension is not necessary or desirable for the coordination of the land division or development of the adjacent property.

B. Design of Streets

- (1) The minimum design standards of all streets within the Town of Holland shall be in conformance with Chapter 298: Streets and Sidewalks, Town of Holland and Sheboygan County Code of Ordinances Chapter 71.

§ 220-18. Easements.

A. Utility easement

- (1) Perpetual, unobstructed easements centered on side or rear lot lines shall be provided for private and municipal utilities and such easements shall be at least twelve (12) feet wide and shall be designated as "Utility Easements" on the plat or certified survey map.

B. Drainage easement

- (1) Where a division of land traverses a stream, channel, watercourse, or drainageway, a drainage easement shall be provided conforming to the lines of such stream, channel, watercourse, or drainageway, and of such width and/or construction as will be adequate for the purpose. The location, width, alignment, and improvement of such drainage easement shall be consistent with the storm water management and erosion control plans required in § 220-19 of this chapter. Such drainage easement shall be designated on the plat or certified survey map.

§ 220-19. Storm water management and erosion control plans.

The Town Board, upon recommendation of the Town Plan Commission, shall require the subdivider to provide storm water management and erosion control plans whenever it determines from the initial review of the preliminary plat or certified survey map that the soil, slope, vegetation, easements and/or other characteristics of the site are such as to require significant cutting, clearing, grading, shoreline stabilization, or other land disturbing activities in the development of the land division. Specifications and guidelines contained in "Sheboygan County Erosion Control and Storm Water Management Guidelines", "Sheboygan County Erosion Control and Storm Water Management Guidelines: Technical Reference", and all applicable State and Federal regulations shall provide the primary framework for any design plans required under this chapter.

Regardless of whether a storm water management and erosion control plan is required, all land disturbing activity shall be conducted so as to prevent erosion and sedimentation. All areas in which the surface of the land is disturbed by construction shall be promptly seeded and mulched, sodded, or otherwise suitably protected against erosion and sedimentation in a manner satisfactory to the Town Board and the subdivider.

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ARTICLE V – Improvements

Prior to the approval of plats or certified survey maps, the subdivider shall furnish and install any of the following improvements in accordance with the standards and specifications hereinafter identified as being required by the Town of Holland, Sheboygan County, and/or any municipality or agency having approval jurisdiction. The required improvements are to be furnished and installed at the sole expense of the subdivider.

If the required improvements are not installed at the time the final plat or certified survey map is submitted for approval,, the subdivider shall, before the recording of the final plat or certified survey map, enter into a contract with the Town agreeing to install the required improvements, and the subdivider shall file with the Town at the time of signing the contract a security bond (cash or irrevocable letter of credit) in an amount equal to the estimated cost of the improvements. The amount of the bond shall be determined by the Town Board upon recommendation of the Town Plan Commission and after review and recommendation by the Town Engineer as a guarantee that the required improvements will be completed by the subdivider within a time period specified.

§ 220-20. Survey monuments.

The subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats. The survey monuments shall coordinate with the Sheboygan County Coordinate Grid monumented by the Sheboygan County Geodetic Matrix of 1992.

§ 220-21. Grading and surfacing.

The subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board, upon recommendation of the Town Plan Commission, and the Sheboygan County Highway Commission. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all streets proposed to be dedicated in accordance with plans, standard specifications, and scheduling approved by the Town Board, upon recommendation of the Town Plan Commission, and the Sheboygan County Highway Commission.

§ 220-22. Street sections.

When permanent street sections have been approved, the subdivider shall finish grade all shoulders and ditches, and install all drainage structures or systems to ~~effect~~affect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation, in accordance with plans and standard specifications approved by the Town ~~Plan Commission and/or the Town Board~~Board upon recommendation of the Town Plan Commission.

§ 220-23. Street lamps.

The subdivider shall install street lamps along streets proposed to be dedicated within divisions of land in accordance with design, quality, and/or energy efficiency standards approved by the Town Board upon the recommendation of the Town Plan Commission. Such street lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Town Board.

§ 220-24. Street name signs.

The subdivider shall install at the intersection of all streets proposed to be dedicated within divisions of land, a street name sign of a design specified by the Town Board upon the recommendation of the Town Plan Commission.

§ 220-25. Street trees.

The subdivider shall plant at least one (1) tree of an approved species and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets to be dedicated within land divisions. Tree plantings shall be completed in accordance with plans and specifications approved by the Town Board upon the recommendation of the Town Plan Commission. The location of plantings shall not interfere with the visibility of street intersections (i.e. vision triangles) or view of street and traffic signs.

§ 220-26. Public and private sewage disposal facilities.

A. Public sanitary sewage disposal facilities

When public sanitary sewer facilities, in the opinion of the Town Board, are available to the land division, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the land division.

The size, type, and installation of all sanitary sewerage facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town of Holland and/or minimum state standards.

B. Private sanitary sewage disposal facilities

When public sanitary sewer facilities, in the opinion of the Town Board are neither presently available nor likely to become available within a reasonable time period, private on-site sewage disposal systems may be constructed to serve the land division. Cluster or other common sanitary sewage collection and disposal systems may be designed by the subdivider and may be installed with the express consent of the Town Board, upon the recommendation of the Town Plan Commission, and the state agency having jurisdiction over private sewage disposal.

All private sanitary sewage disposal systems and site suitabilities therefore shall conform to the requirements of Wis. Admin. Code Ch. Comm 83 and Comm 85 and to the requirements of the Sheboygan County Code of Ordinances Chapter 70; and those codes are hereby adopted by reference and incorporated herein as though fully set out.

§ 220-27. Public and private water facilities.

A. Public water facilities

When public water supply and distribution facilities, in the opinion of the Town Board are available to the land division, the subdivider shall cause such facilities to be installed in such a manner as to make adequate water service available to the land division. The size, type, and installation of all public water supply facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Town Board upon the recommendation of the Town Plan Commission and the Town Engineer.

B. Private water facilities

In the absence of a public water supply and distribution facilities, private wells and water supply systems may be constructed to serve the land division. All such private wells and water supply systems shall conform to the requirements of Wis. Admin. Code Chs. NR 112, Comm 83, and Comm 85, and to the requirements of the Sheboygan County Code of Ordinances Chapter 70; and those codes are hereby adopted by reference and incorporated herein as though fully set out.

§ 220-28. Storm water management and erosion control facilities.

The subdivider shall construct stormwater management and erosion control facilities which are adequate to serve the land division and are in conformance with any approved drainage plan and which do not adversely affect adjacent property outside of the land division of land as established in § 220-19 of this chapter.

§ 220-29. Other utilities.

The subdivider shall cause all appropriate utilities, such as gas, electrical power, cable television, and telephone facilities within all land divisions to be installed underground unless the Town Board upon the recommendation of the Town Plan Commission determines that the location, topography, soil, stands of trees, or other physical barriers would make underground installation unreasonable or impractical or that the land division to be served by such facilities would be best served directly from existing overhead facilities. Associated equipment and facilities including, but not limited to, substations, pad-mounted transformers, switches, and above-ground pedestal-mounted terminal boxes may be located above ground.

Utility easements shall be established on plats and certified survey maps as set forth in § 220-18 of this chapter.

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ARTICLE VI – Plans, Maintenance, and Inspection

§ 220-30. Plans.

Major land divisions shall include plans designed and submitted in compliance with this chapter, Sheboygan County Code of Ordinances Chapter 71, and any terms and conditions set forth in a Developer Agreement between the Town of Holland and the subdivider. The Town Board, upon recommendation of the Town Plan Commission, shall require the subdivider to provide:

- A. Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
- B. Grading plans (both subgrade and final grade) for the lots or building sites.
- C. Storm water drainage and erosion control plans showing those structures required to control the rate of runoff water and those grading, excavating, and site management practices that will prevent erosion and sedimentation.
- D. Sanitary sewer plans and profiles showing the location, grades, sizes, elevations, and materials of required facilities, if applicable.
- E. Water main plans and profiles showing the location, sizes, elevations, and materials of required facilities, if applicable.
- F. Planting plans showing the locations, age, caliper, species, and time of planting of any required grasses, shrubs, trees and other vegetation.
- G. Additional special plans or information as required.
- H. Protective covenants whereby the subdivider intends to regulate land use in the proposed land division. Such covenants shall be furnished to each lot purchaser at or before the time of sale.
- I. All plans, profiles, and covenants as set forth above shall be prepared in accordance with this chapter and any other applicable codes and ordinances adopted by the Town of Holland. No construction activities of any kind may commence until the plat or certified survey map and the above mentioned plans, profiles, and covenants have been approved by the Town Board and a Developer Agreement has been executed between the Town of Holland and the subdivider.

§ 220-31. Maintenance.

The improvements required by this chapter shall be maintained by the subdivider except that the Town of Holland or Sheboygan County may accept certain systems for maintenance. The selection of critical areas and/or structures to be maintained by the Town of Holland or Sheboygan County shall be expressly approved by the governing body thereof. All areas and/or structures to be maintained by the Town of Holland or Sheboygan County must be dedicated to the Town of Holland or Sheboygan County by plat or separate instrument and accepted by the governing body therefore.

The Town of Holland or Sheboygan County shall have the right of inspection of the system(s) to be maintained by the subdivider and, if necessary, to take corrective action should the subdivider fail to properly maintain the system(s). In the event of such failure, the Town of Holland or Sheboygan County shall give such subdivider written notice of the nature of the existing defects and the corrective action necessary. Should the owner fail, within thirty (30) days from the date of the notice, to commence corrective action to the satisfaction of the Town of Holland or

Sheboygan County, the Town of Holland or Sheboygan County may complete or cause the corrective action to be completed, the cost of which shall become a lien on the real property of the subdivider until paid.

§ 220-32. Inspection.

The subdivider shall provide the Town of Holland, Sheboygan County, and/or any municipality or agency having approval jurisdiction adequate inspection time to review and approve all completed work prior to release of any sureties and to ensure compliance with the enacted requirements.

The Town of Holland, Sheboygan County, or any municipality having extraterritorial plat approval jurisdiction shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this chapter. If the Town of Holland, Sheboygan County, or any municipality or agency having approval jurisdiction is refused entry after presentation of proper identification, it may procure a special inspection warrant in accordance with Ch. 968, Wis. Stats., except in cases of emergency.

ARTICLE VII – Minor Land Divisions

§ 220-33. Certified survey map required.

Minor land divisions require approval under this chapter.

§ 220-34. Certified survey map pre-application procedure.

Prior to submitting a certified survey map (CSM) for review and approval, it is recommended that the subdivider consult with the Town of Holland, Sheboygan County, and/or any municipality or agency having approval jurisdiction, for assistance and to become informed of the purpose and intent of the applicable codes and ordinances adopted by the Town of Holland, Sheboygan County, and/or any municipality or agency having approval jurisdiction.

§ 220-35. Certified survey map procedure.

- A. A CSM prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply with the requirements of § 236.34, Wis. Stats., the Sheboygan County Code of Ordinances Chapter 70, Chapter 71, and Chapter 72, Chapter 330: Zoning, Town of Holland, and this chapter.
- B. The subdivider shall file with the Clerk of the Town Plan Commission twelve (12) hard copies and one (1) electronic copy, in PDF format, of the CSM accompanied with the application fee, as identified in the Town of Holland Fee Schedule, established by the Town Board. The Clerk of the Town Plan Commission shall distribute a copy of the CSM to all applicable Town professional staff for review.
- C. Within two (2) days from the date of filing of the CSM, the subdivider shall transmit a copy of the CSM to the following for their review and recommendation concerning matters within their jurisdiction:
 - (1) Sheboygan County Planning & Resource Department.
 - (2) Any municipality or any approving, objecting, and advisory agency having approval jurisdiction as provided in Chapter 236, Wis. Stats.
- D. Within twenty (20) days from the date of receiving the CSM, all parties identified under § 220-35(C) of this chapter shall provide the Town Plan Commission and subdivider any objection based upon failure of the CSM to comply with the requirements of § 220-35(A) of this chapter.
- E. The Town Plan Commission shall within thirty (30) days from the date of filing of the CSM (unless the time is extended by agreement with the subdivider), recommend approval, conditionally approve, or reject the CSM based on a determination of conformance with the requirements of § 220-35(A) of this chapter and shall transmit the CSM along with its recommendation to the Town Board.
- F. The Town Board shall within sixty (60) days from the date of filing of the CSM (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the CSM based on the recommendation of the Town Plan Commission and determination of conformance with the requirements of § 220-35(A) of this chapter. If the CSM is rejected, the reason(s) shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the CSM is approved or conditionally approved, the conditions of approval shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. Failure of the Town Board to act within sixty (60) days, or extension thereof, shall constitute approval.

§ 220-36. Recordation.

The CSM shall be recorded with the Sheboygan County Register of Deeds after the certificates of the Town of Holland, Sheboygan County, any municipality or agency having approval jurisdiction, and the surveyor are placed on the CSM. The subdivider shall record the CSM within six (6) months after the last date of the approval and within 24 months of the first approval. The subdivider shall provide the Town of Holland with one (1) copy of the recorded CSM for permanent filing.

ARTICLE VIII – Major Land Divisions

§ 220-37. Preliminary and final plat required.

Major land divisions require approval under this chapter.

Major land divisions may also be subject to the requirements of § 330-31 of Chapter 330: Zoning Ordinance, Town of Holland to promote the goals, objectives, policies and recommendations of the Town of Holland Year 2030 Comprehensive Plan.

§ 220-38. Preliminary plat pre-application procedure.

Prior to submitting a preliminary plat for review and approval, it is recommended that the subdivider consult with the Town of Holland, Sheboygan County, and/or any municipality or agency having approval jurisdiction, for assistance and to become informed of the purpose and intent of the applicable codes and ordinances adopted by the Town of Holland, Sheboygan County, and/or any municipality or agency having approval jurisdiction.

A sketch plan of the proposed division of land drawn on a topographic survey map should be submitted. The sketch plan should identify property boundaries, proposed roads, lots, and any proposed dedications; slopes exceeding fifteen percent (15%); general conditions, including wetlands, floodplains, drainage easements, and vegetation; proposed filling and grading; and a sketch of all contiguous property owned or controlled by the subdivider.

§ 220-39. Preliminary plat procedure.

- A. Prior to submitting a final plat for approval, a preliminary plat prepared by a registered land surveyor shall be required for all major land divisions. It shall comply with the requirements of § 236, Wis. Stats., the Sheboygan County Code of Ordinances Chapter 70, Chapter 71, and Chapter 72, Chapter 330: Zoning Ordinance, Town of Holland, and this chapter.
- B. The subdivider shall file with the Clerk of the Town Plan Commission twelve (12) hard copies and one (1) electronic copy, in PDF format, of the preliminary plat accompanied with the application fee, as identified in the Town of Holland Fee Schedule, established by the Town Board. The Clerk of the Town Plan Commission shall distribute a copy of the preliminary plat to all applicable Town professional staff for review.
- C. Within two (2) days from the date of filing of the preliminary plat, the subdivider shall transmit a copy of the preliminary plat to the following for their review and recommendation concerning matters within their jurisdiction:
 - (1) Sheboygan County Planning & Resource Department.
 - (2) Any municipality or any approving, objecting, and advisory agency having approval jurisdiction as provided in Chapter 236, Wis. Stats.
- D. Within twenty (20) days from the date of receiving the preliminary plat, all parties identified under § 220-39(C) of this chapter shall provide the Town Plan Commission and subdivider any objection based upon failure of the plat to comply with the requirements of § 220-39(A) of this chapter.
- E. The Town Plan Commission shall within sixty (60) days from the date of filing of the preliminary plat (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the preliminary plat based on a determination of conformance with the requirements of § 220-39(A) of this chapter. If the preliminary plat

is rejected, the reason(s) shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the preliminary plat is approved or conditionally approved, the Town Plan Commission shall transmit the preliminary plat along with its recommendation to the Town Board. Failure of the Town Plan Commission to act within sixty 60 days shall constitute approval of the preliminary plat.

- F. The Town Board shall within ninety (90) days from the date of filing of the preliminary plat (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the preliminary plat based on the recommendation of the Town Plan Commission and determination of conformance with the requirements of § 220-39(A) of this chapter. If the preliminary plat is rejected, the reason(s) shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the preliminary plat is approved or conditionally approved, the conditions of approval shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. Approval or conditional approval shall constitute preliminary acceptance of any dedications of land to the Town of Holland. Failure of the Town Board to act within ninety (90) days, or extension thereof, shall constitute approval. The subdivider shall provide the Town of Holland with one (1) copy of the approved or conditionally approved preliminary plat for permanent filing.

§ 220-40. Final plat procedure.

- A. The subdivider shall submit a final plat prepared by a registered land surveyor, within ~~twenty-four (24)~~ thirty-six (36) months of the preliminary plat approval, unless the time is extended by agreement with the subdivider. It shall comply with the requirements of § 236.20, Wis. Stats., the Sheboygan County Code of Ordinances Chapter 70, Chapter 71, and Chapter 72, Chapter 330: Zoning Ordinance, Town of Holland, and this chapter.
- B. The subdivider shall file with the Clerk of the Town Plan Commission twelve (12) hard copies and one (1) electronic copy, in PDF format, of the final plat accompanied with the application fee, as identified in the Town of Holland Fee Schedule, established by the Town Board. The Clerk of the Town Plan Commission shall distribute a copy of the final plat to all applicable Town professional staff for review.
- C. Within two (2) days from the date of filing of the final plat, the subdivider shall transmit a copy of the final plat to the following for their review and recommendation concerning matters within their jurisdiction:
- (1) Sheboygan County Planning & Resource Department.
 - (2) Any municipality or any approving, objecting, and advisory agency having approval jurisdiction as provided in Chapter 236, Wis. Stats.
- D. Within twenty (20) days from the date of receiving the final plat, all parties identified under § 220-40(C) of this chapter shall provide the Town Plan Commission and subdivider any objection based upon failure of the plat to comply with the requirements of § 220-40(A) of this chapter.
- E. The Town Plan Commission shall within thirty (30) days from the date of filing of the final plat (unless the time is extended by agreement with the subdivider), recommend approval, conditional approval, or rejection of the final plat and shall transmit the final plat along with its recommendation to the Town Board.

- F. The Town Board shall within sixty (60) days from the date of filing of the final plat (unless the time is extended by agreement with the subdivider), approve or reject the final plat based on the recommendation of the Town Plan Commission and determination of conformance with the requirements of § 220-40(A) of this chapter. If the final plat is rejected, the reason(s) shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the final plat is approved, any conditions of approval shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. Failure of the Town Board to act within sixty (60) days, or extension thereof, shall constitute approval.

If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances as authorized by law, it is entitled to approval. If the final plat is not submitted with thirty-six (36) months after the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat (or may extend the time for submission of the final plat).

§ 220-41. Recordation.

The final plat shall be recorded with the Sheboygan County Register of Deeds after the certificates of the Town of Holland, Sheboygan County, any municipality or agency having approval jurisdiction, and the surveyor are placed on the final plat and the required improvements either installed or an agreement and security bond (cash or irrevocable letter of credit) insuring their installation is filed. The subdivider shall record the final plat within ~~six (6)~~ twelve (12) months after the last date of the approval and within ~~24~~ thirty-six (36) months of the first approval. The subdivider shall provide the Town of Holland with one (1) copy of the recorded final plat for permanent filing.

§ 220-42. Replats.

When a replat of a recorded plat or part thereof is proposed so the boundaries are to be changed and/or areas to be dedicated to the public are to be altered, the subdivider shall initiate action to vacate or alter the recorded plat as provided in § 236.36 through § 236.44, Wis. Stats. The replat shall be prepared and submitted as provided in Article VIII of this chapter. Both the title of the replat and the title of the original plat shall appear in the surveyor's certificate.

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ARTICLE IX – Administration and Enforcement

§ 220-43. Administration.

The administration and enforcement of this chapter shall be the responsibility of the Town Board with advice and recommendation support from the Town Plan Commission and any other technical, legal, or policy advisor.

§ 220-44. Variances.

When the ~~Town~~-Board of Appeals finds that "extraordinary hardship" or "practical difficulties" may result from strict compliance with the purposes and intent of this chapter and may be accomplished to a greater extent by an alternative proposal, it may approve variances so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the purpose and intent of the requirements; and further provided that the ~~Town~~-Board of Appeals shall not approve a variance unless it shall make findings based upon the evidence presented to it at a public hearing in each specific case that:

- A. The granting of a variance will not be detrimental to the public safety, health or welfare, or injurious to other properties.
- B. The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other properties.
- C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the requirement is carried out.

§ 220-45. Appeals.

Any person aggrieved by an objection to a plat or failure to approve a plat may appeal such objection or failure to approve as provided in § 236.13(5), Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

§ 220-46. Fees and costs.

All persons performing work, making an application or petition, or requesting a special meeting under this chapter, shall pay a fee to the Town Treasurer to ~~help~~ defray the cost of administration, investigation, advertising, and processing of permits, applications, petitions and meetings. The fees are identified in the Town of Holland Fee Schedule, established shall be as set by the Town Board. In addition to any other fees, the Town shall also charge such persons for the actual cost of professional fees incurred by the Town in investigating and processing permits, applications and petitions and for the actual cost of publication fees incurred by the Town for notices required to be published under this chapter.

§ 220-47. Violations.

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes. ~~and no~~ No subdivider shall be issued a building permit authorizing the building on, or improvement of, any major or minor land division or replat within the jurisdiction of this chapter ~~not of record as of the effective date of this chapter~~ until the

requirements of this chapter have been fully met. The Town of Holland may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wis. Stats.

§ 220-48. Penalties.

A subdivider who fails to comply with the requirements of this chapter shall, upon conviction thereof, forfeit not less than \$100 more than \$1,000 plus the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

APPENDICES

Appendix A. Developer agreement